

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Thirty-seven minutes 13 seconds.

Mr. DURBIN. Mr. President, I would say for the record that I have many more Democrats seeking time than I have time. I wish to alert those who are coming to the floor that they are going to have to accept an abbreviated time. We did not have all the time we hoped for this morning. I ask each of my speakers to also try to abbreviate their time in the interest of accommodating their colleagues.

I yield 15 minutes to Senator FEINSTEIN and hope that she will yield back a sizeable portion of it.

Mrs. FEINSTEIN. I rise today to speak in strong opposition to this amendment. If passed, this amendment would require States like California to allow people with concealed weapon permits from other States to carry a concealed gun, or guns, even if they have failed to meet California's stringent requirements for obtaining a permit.

Over 4 million people hold concealed weapon permits in the United States, so this is no minor shift in policy. In fact, it would be a sweeping change with deadly consequences.

It completely undermines the rights of State government to protect public safety. This amendment essentially overturns the standards and regulations that many States have enacted to prevent concealed weapons from falling into the wrong hands. This is not a philosophical debate, it is a matter of life and death.

My home State, California, sets a very high bar for those who wish to obtain a concealed weapon permit. It does not honor permits granted elsewhere. In fact, only 40,000 permits have been granted in California and we have a population of 38.2 million people. Contrast that with Florida, a State of about half the size at 18 million people—it has 580,000 permits; Georgia has 300,000 permits. Let me repeat, California, the nation's most populace State, has but 40,000 concealed carry permits.

California's strict rules ensure that felons, the mentally ill, and people who have been convicted of certain misdemeanor offenses or are considered a threat to others are automatically disqualified.

Those who do meet these qualifications do not automatically receive a permit. Specifically, in order to obtain a concealed weapon permit in California, an applicant must, No. 1, undergo fingerprinting and pass through a Federal background check; No. 2, complete a course of gun training; No. 3, be considered a person of good moral character by the local sheriff; and No. 4, just as importantly, demonstrate a good cause for needing a concealed weapon permit. This gives State and local authorities the discretion.

This amendment will force California to honor permits issued by all other

States, including those which allow minors, convicted criminals, and people with no firearm safety training to carry concealed weapons. Only the time, place, and manner requirements of a State would remain intact under the Thune amendment. For example, if the State of South Carolina had a law making it illegal to carry a weapon into an office building that was government owned, that law would still be valid for all out-of-State concealed carry permit holders. However, this is a very narrow exception.

This isn't just bad policy, it is extremely dangerous policy. The Thune amendment is designed to undermine the rights of States to determine their own rules and regulations for concealed weapons permits. Here we have people who believe in States rights. Yet when it comes to something they really want, they are willing to pounce on States rights and destroy them.

California's standards, I admit, are tougher than most, but many other States routinely deny concealed weapon permits for various reasons: 31 States prohibit alcohol abusers from obtaining concealed carry permits; 35 States prohibit persons convicted of misdemeanors from carrying concealed weapons; 31 States require completion of gun safety programs. The Thune amendment obliterates all of these public safety standards.

It is important to note that 12 States voluntarily honor concealed weapon permits carried in any other State. Another 25 States recognize permits issued by States with similar or equivalent concealed weapon permits standards. But 11 States, including California, choose not to recognize any out-of-State permits. These States have made a choice about what is best for their citizens, and that choice ought to be respected. This amendment says that the views of California's Governor, sheriffs, police, and its citizens don't matter, but the views of those who promote guns do matter. I cannot accept that.

If this amendment were to pass, it would possibly allow those with concealed weapon permits to bring one or more banned assault weapons into our State.

We have consulted with the Congressional Research Service, and they state the following:

The amendment would appear to have a preemptive effect on State reciprocity laws or regulations because it would appear to require those States which have more stringent eligibility requirements for concealed carry to recognize the permits of other States where the eligibility requirements are less stringent.

It could be argued that the language of this amendment is broad enough such that it would allow certain firearms that are banned from purchase or possession in one State to be brought into that State. For example, one could legally purchase, possess, and carry a concealed permit for a firearm that is banned in States like California, Connecticut, Hawaii, Massachusetts, New Jersey, and New York.

That is not my statement, that is the opinion of the Congressional Research

Service. This amendment would put in jeopardy States' assault weapons control laws. I don't know whether that was intended, but this is a very broad and vague piece of legislation that is being debated. If this amendment is agreed to, I believe assault weapons will be brought into California and other border States. These weapons could end up being smuggled into Mexico.

Some say, that an armed society is a polite society, and they portray concealed weapon carriers as responsible citizens who are simply exercising their rights. Earlier this morning on television, I heard a Senator say that only good, responsible people have these permits. That simply is not true. Let me give an example.

In April, Richard Poplawski killed three Pittsburgh police officers. He had the right to carry a weapon in Pennsylvania even though he was the subject of a restraining order filed by an ex-girlfriend.

In March, Michael McLendon killed 11 people, including the wife of a deputy sheriff, before taking his own life following a gun battle with police in Alabama. He too, had a concealed weapon permit.

When I hear people on television saying only the good people get these permits, that is simply not true. In my view, these unstable men should never have been permitted to own any weapon for any reason. Lastly, in February of this year, Frank Garcia killed four people in a shooting rampage in upstate New York. He held a concealed weapon permit in that State. This year, too many people have been killed by those who have the right to carry a concealed weapon. We do not want other State's concealed weapons permittees in the State of California. We have 38 million people. It is a diverse, disparate population. Guns do not help. I believe it is unlikely these men would have obtained concealed weapon permits in my State and, candidly, we want to keep it that way.

I ask unanimous consent to have printed in the RECORD a letter from the Governor of our State, Arnold Schwarzenegger, who opposes this amendment, along with 400 U.S. mayors and the International Association of Chiefs of Police.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE CAPITOL,  
Sacramento, CA, July 20, 2009.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN. I am writing to seek your assistance in protecting states' rights by opposing Senator Thune's amendment to the Concealed Carry Reciprocity Act, which would allow people who are issued concealed weapons permits in their home state to carry those weapons in any state. This amendment would undermine the rights and responsibilities of state governments across this nation.

This is a simple question of protecting California's ability to determine who is allowed to carry a concealed weapon within